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FAX COVER LETTER

CONFIDENTIAL

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Number of Pages This Transmission (Including Cover Page): 3

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Examiner David Turocy, AU 1762

Fax no. **571-273-2940**

Re: Ser. No. 10/624,810

Proposed points to be discussed at Office interview on July 11, 2006, 2:00 PM, attended by Atty. George Wheeler (312-775-8000), and probably inventor Bill Yocum.

MAIN POINT: It was not obvious to use the spray-dry slurry of the Jungk reference in the Anchor concrete surface-treating equipment, with a reasonable expectation of success in producing concrete with a colored surface. Actually, this was tried by Anchor and failed.

1. The "ASA" of Paragraph 7 of the Section 131 declaration shows that the pigment dispersion used by Anchor in its equipment before the present invention **failed**. A fact not disclosed explicitly there is that the pigment dispersion that failed was a pigment dispersion of the type previously used to homogeneously pigment concrete. This shows that a pigment treatment useful to homogeneously pigment concrete was useless as a surface coating sprayed on uncured concrete.

2. Jungk does not disclose pigment granules containing a concrete binding agent. The Jungk pigment granule "binder" is selected for "promoting the dispersal of the pigment in the concrete." See Jungk, claim 1, lines 22-23. See also col. 3, lines 1-7. In concrete, Jungk's additive doesn't act as a binder; it acts as a dispersing agent.

3. The materials listed in the Jungk patent for dispersing the pigment in concrete (col. 3, lines 33-49):

> The following commercially available binders, **which will promote the dispersing of the pigments in concrete**, may in combination with pigments, be incorporated in the granules, preferably in the bead granules, used for dyeing: Alkylphenol, such as Igepal C®; a protein-fatty acid condensation product, such as Lampeon®; Alkylbenzene sulfonate, also in the form of its salt, such as Marlon®; Alkylnaphthalene sulfonate, such as Necal BXR®; Lignin sulfonate, such as spent sulfite liquor, e.g., Waldhoflauge®; Sulfated polyglycol ether, e.g., of fatty alcohols or alkyl phenols, or its salt; a melamine-formaldehyde condensate, a naphthalene-formaldehyde condensate; gluconic acid, other polyhydroxy compounds which are innocuous to the concrete, salts of low-molecular-weight partial esters of styrene-maleic anhydride copolymers and of copolymers of vinyl acetate and crotonic acid.

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are different from the binding agents described in the present application to adhere the pigment to an initially wet concrete surface (Par. [0020]).

> water borne urethane, acrylic emulsions, water soluble acrylic polymers, water soluble vinyl acetate, acrylic colloids, styrene acrylic resins, styrene acrylic resins solutions, and acrylic copolymer latexes

The "polymer of vinyl acetate" used in the present invention is not a "copolymer of vinyl acetate and crotonic acid" as described in the Jungk patent. Since the present binders and those disclosed in Jungk are completely different, there is no reason to presume they would act in the same way in the claimed process.

4. Nothing in the Jungk reference suggests spraying a pigment slurry containing a binder onto concrete. Example 1 referred to by the Examiner sprays the slurry into air to dry out the water and form granules. Jungk proves that the slurry can be sprayed, and that the resulting granules will homogeneously disperse in concrete, but not that the spray slurry can be sprayed onto wet concrete to form a permanent surface coating. Anchor's experience proves the opposite.